

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

DEVONTAE NEWTON

Defendant.

No 18-cr-373 (RJS)  
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

On September 9, 2020, the Court began a remote sentencing proceeding with the parties through the CourtCall platform. But due to technical difficulties, the Court was unable to complete the proceeding. Accordingly, the sentencing will resume on September 22, 2020 at 9:00 a.m. The sentencing will occur remotely through the CourtCall videoconference platform. In addition, due to the flexibility required to accommodate the planning of proceedings involving detained individuals, the Court will reserve (and the parties shall calendar) September 25, 2020 at 9:00 a.m. as an alternate date for the sentencing. The Court will email the parties directly with instructions for accessing the CourtCall conference. A separate order will follow containing instructions for members of the public to monitor the proceedings.

If possible, defense counsel shall discuss the attached Waiver of Right to be Present at Criminal Proceedings with Newton prior to the sentencing. If Newton consents, and is able to sign the form (either personally, or, in accordance with Standing Order M10-468, 20-mc-174 (CM) (S.D.N.Y. Mar. 27, 2020), by defense counsel), defense counsel shall provide the Court with the executed form at least 24 hours prior to the proceeding. In the event that Newton consents, but counsel is unable to obtain or affix Newton's signature on the form, the Court will conduct an

inquiry at the outset of the proceeding to determine whether it is appropriate for the Court to add Newton's signature to the form.

SO ORDERED.

Dated: September 11, 2020  
New York, New York



RICHARD J. SULLIVAN  
UNITED STATES CIRCUIT JUDGE  
Sitting by Designation

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA

-v-

DEVONTAE NEWTON,

Defendant.

-----X

**WAIVER OF RIGHT TO BE  
PRESENT AT CRIMINAL  
PROCEEDING**

**18-CR-373 (RJS)**

**Check Proceeding that Applies**

\_\_\_\_ Entry of Plea of Guilty

I am aware that I have been charged with violations of federal law. I have consulted with my attorney about those charges. I have decided that I wish to enter a plea of guilty to certain charges. I understand I have a right to appear before a judge in a courtroom in the Southern District of New York to enter my plea of guilty and to have my attorney beside me as I do. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I have discussed these issues with my attorney. By signing this document, I wish to advise the court that I willingly give up my right to appear in person before the judge to enter a plea of guilty. By signing this document, I also wish to advise the court that I willingly give up any right I might have to have my attorney next to me as I enter my plea so long as the following conditions are met. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf during the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_ Sentence

I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York at the time of my sentence and to speak directly in that courtroom to the judge who will sentence me. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I do not wish to wait until the end of this emergency to be sentenced. I have discussed these issues with my attorney and willingly give up my right to be present, at the

time my sentence is imposed, in the courtroom with my attorney and the judge who will impose that sentence. By signing this document, I wish to advise the court that I willingly give up my right to appear in a courtroom in the Southern District of New York for my sentencing proceeding as well as my right to have my attorney next to me at the time of sentencing on the following conditions. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf at the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature of Defendant

I hereby affirm that I am aware of my obligation to discuss with my client the charges against my client, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver and consent form. I affirm that my client knowingly and voluntarily consents to the proceedings being held with my client and me both participating remotely.

Date:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature of Defense Counsel

**Addendum for a defendant who requires services of an interpreter:**

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is: \_\_\_\_\_.

Date:

\_\_\_\_\_  
Signature of Defense Counsel

**Accepted:**

\_\_\_\_\_  
Signature of Judge

Date: